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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,340	03/17/2004	Thomas Nulsen	NPT-65.0402	5585
7590 05/11/2006			EXAMINER	
Wagner, Murabito & Hao LLP			NGUYEN, HIEP	
Third Floor			ART UNIT	
Two North Market Street			PAPER NUMBER	
San Jose, CA 95113			2816	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/803,340

Applicant(s)

NULSEN ET AL.

Examiner

Hiep Nguyen

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10-14 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This is responsive to the amendment filed on 03-03-06. Applicant's arguments with respect to the reference of Yamamoto (US Pat. 5,444,744) have been carefully considered but they are not deemed to be persuasive to overcome the reference. Thus, the claims remain rejected under Yamamoto. However, the rejection is changed because of the amendment.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction and/or clarification is required.

Regarding claims 19 and, the recitation "a means for further generating said pass/fail indicator signal" in claim 19 and 20 are indefinite because it is not clear as to this "means for further generating said pass/fail indicator signal" is the same or different than the "means for generating a pass/fail indicator signal" in claim 18. The recitation "a means for detecting said event of said monitored voltage and generating a second trip signal until receipt of a next pulse of said delayed reset pulse stream; and a means for generating said pass/fail indicator signal as a function of said first trip signal and said second trip signal" is indefinite because it is not clear what the "second trip signal" is meant by and how it is generated. The Applicant is requested to point out these "means" and to show which drawing claims 18, 19 and 20 reads on.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1, 4, 5 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto et al. (USP. 5,444,744).

Regarding claim 1, figures 8, 9B and 9I of Yamamoto shows a clock based voltage deviation detector comprising:

- a pulse module (15b);
- an indicator module (9a, 11); and

a correlation module (12, 13). The correlation module receives the clock signal B (the output of element 15a) and the indicator output (A) of the indicator module. The correlation module outputs signal (I). Figures 8, 9B and 9I shows that the pass/fail indicator is correlated to a specific period of clock signal (B) at which said event occurred. (col.7; lines 40-56).

Regarding claim 4, the indicator module comprises a comparator (9a) and a latch (11).

Regarding claim 5, the latch-enabled comparator (9a, 11) has three inputs for receiving the input signal, the reference signal and the pulse signal and for outputting a fail-safe signal.

Regarding claims 18-20, figure 8 of Yamamoto shows a clock based voltage deviation detector comprising:

- a means for generating a reset pulse stream as a function of a clock signal (15a, 15b);
- a means for generating a pass/fail indicator signal (12, 13) as a function of the reset pulse;
- means for detecting and generating a trip point is element (9a).
- a means for correlation an event of the pass/fail indicator signal (13).

Allowable Subject Matter

Claims 2 and 3 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claims 10-14 are allowed.

Claims 2 and 3 are objected to because the prior art of record fails to teach or fairly suggest a pulse module having an exclusive-OR gate and a delay cell as called for in claim 2; a counter for receiving a clock signal and a storage module as called for in claim 3.

Claims 10-14 are allowed because the prior art of record fails to teach or fairly suggest a clock based voltage deviation detector comprising a counter and a storage module as called for in claim 10.

Response to Arguments

In the Remarks, page 10, the Applicant argues that Yamamoto does not teach or fairly suggest “an event of said pass/fail indicator is correlated to a specific period of said clock signal at which said event occurred”. Figures 8 and 9B and 9I shows that the event of “said pass/fail indicator” is correlated to a specific period of said clock signal (B) at which said event occurred” (Col. 7, lines 40-56). Figure 9I shows the event (I) that occurs at a specific period of said clock signal (B). The Applicant also fails to show the differences between the “means for generating a pass/fail indicator signal” in claim 18 and “a means for further generating said pass/fail indicator signal” in claim 19. The Applicant is requested to point out these means in the drawing.

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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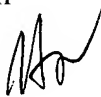
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hiep Nguyen whose telephone number is (571) 272-1752. The examiner can normally be reached on Monday to Friday from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on (571) 272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hiep Nguyen

05-05-06



TUAN T. LAM
PRIMARY EXAMINER